

AMENDED IN ASSEMBLY JUNE 28, 1999

**SENATE BILL**

**No. 770**

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**Introduced by Senator McPherson**

February 24, 1999

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An act relating to the DeLaveaga Park Property.

LEGISLATIVE COUNSEL'S DIGEST

SB 770, as amended, McPherson. DeLaveaga Park Property: conveyances: recreational use.

Under existing law, the state owns or leases real property within the so-called DeLaveaga Park Property in the City of Santa Cruz, as described in Exhibit A attached to a decree issued May 27, 1898, by the Superior Court for the City and County of San Francisco, and is generally obligated to use that real property for a camp of instruction for the National Guard. The state is obligated to reconvey the real property, which it received from the City of Santa Cruz and the County of Santa Cruz in 1901, to the city when it is no longer necessary for use as a camp of instruction, subject only to the condition that the real property be used by the city in perpetuity for public recreational purposes. A portion of the state-owned property has been leased to the City of Santa Cruz pursuant to the June 29, 1967, Lease Exchange Agreement between the state and the city and is used by the city as part of the DeLaveaga Golf Course. The city also leased real property within the DeLaveaga Park Property to the state pursuant to that agreement.

This bill would express legislative intent with regard to the DeLaveaga Park Property and would require the real

property within the DeLaveaga Park Property owned by the state to be used for a National Guard camp of instruction and, if that use is determined by the Adjutant General to be no longer necessary for that purpose, would require the Department of General Services to reconvey the real property to the city, to be used in perpetuity for public recreational purposes. The bill would direct the department to convey to the city its fee interest in that portion of the DeLaveaga Park Property currently leased to the city to be used as a municipally owned public golf course for as long as the city determines and, thereafter, used, in perpetuity, as a municipally owned public recreational area, if the city simultaneously conveys in fee to the state the portion that is currently leased to the state, to be used for public recreational purposes. *The bill would require that the DeLaveaga Park property revert to the possession, control, and ownership of the state if any of the conditions for the use of that real property are violated.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. It is the intent of the Legislature by this  
2 act to honor the state's contractual obligations with  
3 regard to the DeLaveaga Park Property in the City of  
4 Santa Cruz, as described in Exhibit A attached to a decree  
5 issued May 27, 1898, by the Superior Court for the City  
6 and County of San Francisco.

7 SEC. 2. (a) All real property within the DeLaveaga  
8 Park Property owned in fee by the State of California,  
9 other than that portion currently leased to the City of  
10 Santa Cruz, shall be used by the state exclusively for a  
11 camp of instruction for the National Guard. If, however,  
12 the Adjutant General determines that the real property,  
13 within the foreseeable future, will no longer be necessary  
14 for a National Guard camp of instruction and notifies the  
15 Department of General Services of that determination,  
16 the Department of General Services shall, within 180 days  
17 of that notification, convey the real property in fee to the



city, subject only to the condition that the real property be used by the city in perpetuity for public recreational purposes, and for no other compensation or consideration.

*(b) Notwithstanding any other provision of law that limits reversionary rights to real property, including, but not necessarily limited to, Chapter 5 (commencing with Section 885.010) of Title 5 of Part 2 of Division 2 of the Civil Code, title to the property described in subdivision (a) shall revert to the possession, control, and ownership of the state if any of the conditions for the use of that real property are violated. If the property is conveyed to the City of Santa Cruz, any conditions for the use of that property prescribed in subdivision (a) shall be incorporated in the instrument conveying the property to the City of Santa Cruz.*

SEC. 3. (a) The Department of General Services is hereby directed, within 180 days of the effective date of this act, to convey to the City of Santa Cruz, in accordance with the June 27, 1967, Lease Exchange Agreement between the state and the City of Santa Cruz, its fee interest in that portion of the DeLaveaga Park Property that the state is currently leasing to the city, comprising approximately 83 acres, and which the city is currently using as part of the DeLaveaga Golf Course, if, in accordance with that agreement, the city simultaneously conveys in fee to the State of California that portion of the DeLaveaga Park Property that the city is currently leasing to the State of California pursuant to the lease exchange agreement, comprising approximately 98 acres of the “upper portion” of the DeLaveaga Park Property, to be used by the state for public recreational purposes. The state’s conveyance to the city shall be conditioned upon the real property being used as a municipally owned public golf course for as long as the city determines and thereafter used, in perpetuity, as a municipally owned public recreational area.

*(b) Notwithstanding any other provision of law that limits reversionary rights to real property, including, but not necessarily limited to, Chapter 5 (commencing with*

1 Section 885.010) of Title 5 of Part 2 of Division 2 of the  
2 Civil Code, title to the property described in subdivision  
3 (a) shall revert to the possession, control, and ownership  
4 of the state if any of the conditions for the use of that real  
5 property are violated. If the property is conveyed to the  
6 City of Santa Cruz, any conditions for the use of that  
7 property prescribed in subdivision (a) shall be  
8 incorporated in the instrument conveying the property  
9 to the City of Santa Cruz.

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